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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,982	11/13/2001	Sun-mo Kim	1293.1272	6017

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EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,982

Applicant(s)

KIM ET AL.

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 21-25, 31-36, 41-54, 57 and 58 is/are allowed.
- 6) ☒ Claim(s) 17-20, 26-30, 37-39, 55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

The amendment dated 10/27/03 has been considered with the following results:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-20, 26-28, 37, 39 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Mistretta (US 5,548,571).

Regarding claim 17, see Figs. 1-7 of Mistretta which show a disk cartridge (see Fig. 3) having an information recording medium (disk) and which is received by an apparatus (see Fig. 6) having a probing portion (light transmitter T and light receiver R in Fig. 6), comprising: a case (30) to accommodate the information recording medium, wherein the base having a first side disposed above or below a recording surface of the recording medium; and identification units (h, ht, ho) disposed on the first side of the case to be sequentially detected by the probing portion to produce a predetermined sequence of information to determine the type of recording medium (see Fig. 6) as recited in the instant claimed invention.

Regarding claims 18-20, see respective disclosure of Fig. 6.

Regarding claims 26-28, see references C or N in Fig. 2 or 3 and column 1, lines 54

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Regarding claim 37, see the rejection applied to claim 17. The features related to a turntable, a motor, and optical pickup and a controller as further recited in claim 37 are inherently included in an optical or magneto-optical disk drive apparatus shown in Figs. 1 and 6.

Regarding claim 39, see the rejection applied to claim 37 and further see Fig. 6 which must inherently include a tray in order to move the cartridge in and out the disk drive and a guide groove for holding and guiding the probing portion (T, R) to detect the identification units (h) to detect and produce information relative to a motion between the probing portion and the identification unit as the identification units (h) pass by the probing portion (T, R) while the tray moves the disk cartridge as further recited in this claim.

Regarding claim 55, see the rejection applied to claim 17 and further see Fig. 6 the feature of a detection unit.

3. Claims 17-20, 26-28, 30, 55 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Uwabo et al (US 5,940,255).

Regarding claim 17, see Figs. 10 and 11 of Uwabo et al. which show a disk cartridge having an information recording medium (disk) and which is received by an apparatus (see Fig. 11A) having a probing portion (137 or 141), comprising: a case (115) to accommodate the information recording medium, wherein the base having a first or top side disposed above or below a recording surface of the recording medium; and identification units (97, 89, or 117, 119) disposed on the first or top side of the case to be sequentially detected by the probing portion to produce a predetermined sequence of information to determine the type (capacity) of the recording medium

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Regarding claims 18-20, see respective disclosure of Fig. 11A-11D..

Regarding claims 26-28, see holes 47 and 49 in Fig. 1 or 7 and column 5, lines 1-11.

Regarding claim 30, see Figs. 12A-12C of Uwabo et al. which show a disk cartridge having a disk where information is recorded and/or reproduced using a disk drive with a probe portion (push switch), where the disk cartridge comprising: a case (151) rotatably accommodate the disc; identification units (notches 155, 157, 159) disposed on the case to be sequentially detected by the probing portion to produce a predetermined sequence of information relative to a motion between the identification units and the probing portion, and wherein a location of the identification units (notches 155, 157, 159) which are located at a second side adjacent to a top side of the case.

Regarding claim 55, see the rejection applied to claim 17 above.

Regarding claim 56, see the rejection applied to claim 30.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mistretta in view of Uwabo et al.

Mistretta, according to Figs. 1-7, shows all the features of the instant claimed invention (see the rejection applied to a claim 17 above for detail) except for the use of the identification unit disposed on a side of the disk cartridge adjacent to a top side disposed above or below the

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recording surface of the recording medium as further recited in claim 38. Uwabo et al, according to Figs. 11A-12B, teach the use of the identification units disposed on a side of the disk cartridge adjacent to a top side disposed above or below the recording surface of the recording medium (see Fig. 12A or 12B) so that a large number of identification units can be provided for identifying a large number of types of the recording medium. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the cartridge of Mistretta by providing the identification units on a side of the disk cartridge adjacent to a top side disposed above or below the recording surface of the recording medium as taught by Uwabo et al in order to possibly provide a large number of identification units to identify a large number of types of the recording medium as suggested by Uwabo et al.

Allowable Subject Matter

6. Claims 2-13, 21-25, 41, 43, 44, 46, 47, 54 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-16, 21-25, 31-36, 40-54, 57 and 58 are allowed.

Response to Arguments

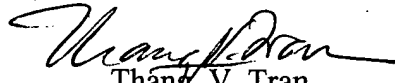
8. In response to Applicant's arguments filed 10/27/03., Applicant's attention is drawn to Fig. 3 of Mistretta which clearly shows that identification units (h) is disposed on a top side of the cartridge. Also, the features related to a tray must be inherently included in the disk drive of Mistretta in order to move the cartridge in and out as shown in Fig. 1 or 6.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Thang V. Tran
Primary Examiner
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